Court No.2

Writ Petition No.1254 (S/B) of 2002,

Sunil Kumar Shukla ……..... Petitioners

Versus

District Magistrate/Administrator,
Kisan Sahkari Chini Mills Ltd.,Nadehi,
Kashipur, District-Udham Singh
Nagar & another …… Respondents.

……

Hon'ble P.C.Verma,J.
Hon'ble Irshad Hussain, J.

The petitioner, a trained apprentice, is claiming appointment on the basis of preference. The issue came up before the Supreme Court and the Supreme Court has laid down the guidelines for the preference of the trained apprentices in para 12 of the judgment in the case U.P. State Road Transport Corporation and another Versus U.P. Parivahan Nigam Shishukhs Berozgar Sangh and others, reported in **A.I.R. 1995, S.C., 1115,** which is as under:

> "In the background of what has been noted above, we state that the following would be kept in mind while dealing with the claim of trainees to get employment after successful completion of their training:-
>
> (1) Other things being equal, a trained apprentice should be given preference over direct recruits.
>
> (2) For this, a trainee would not be required to get his name sponsored by any employment exchange. The decision of this Court in Union of India v. Hargopal, A.I.R. 1987 SC, 1227, would permit this.
>
> (3) If age bar would come in the way of the trainee, the same would be relaxed in accordance with what is stated in this regard, if any, in the concerned service rule. If the service rule be silent on this aspect, relaxation to the extent of the period for which the apprentice had undergone training would be given.

(4) The concerned training institute would maintain a list of the person trained year-wise would be treated a senior to the persons trained later. In between the trained apprentices, preference shall be given to those who are senior.

The case of the petitioner shall be considered in accordance with the above guidelines if the vacancies are available and are likely to be filed up.

With the above observations, the writ petition is disposed of finally.

(P.C.Verma,J.) **(Irshad Hussain,J.)**

30.10.2002.
P.Singh